

REMARKS

Claims 1 to 75 are pending. Claims 1, 36, 39, 42 to 45, 72, and 73 have been amended. The Examiner withdrew claims 7 to 11, 30 to 32, 34, 39 to 41, 44, 54 to 58, 66 to 68, 70, and 73 to 75 as being drawn to a non-elected species. Claims 1 to 6, 12 to 29, 33, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 are under examination.

The Examiner rejected claims 1 to 6, 12 to 29, 33, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,958,634 to Jang in view of U.S. Patent No. 4,946,466 to Pinchuk et al. ("Pinchuk").

Applicant respectfully traverses this rejection of the claims. Although Applicant disagrees with the Examiner, the claims have been amended to clarify the subject matter of the claims. The claims now recite that the elongate tubular bodies have a proximal end having a proximal opening, a distal end having a distal opening, and a lumen extending between the proximal opening and the distal opening. Jang does not teach or suggest such a structure.

The Examiner states that "Jang teaches a catheter with a first elongate tubular body (40), a second elongate tubular body (80), a third elongate tubular body (guidewire disposed within lumen 60), and an elongate member (72, portion between the two balloons, see Fig 11)." The Examiner's citation of "40" appears to be a typographical error and "42", a balloon, appears to be intended. Applicant respectfully requests that the Examiner tell the undersigned attorney if this understanding is incorrect. The balloons 42 and 80 do not have proximal and distal openings as recited in the claims. If the balloons 42 and 80 had proximal and distal openings, they could not be inflated.

Pinchuk does not remedy the defects of Jang. Pinchuk was cited for its description of a hollow guidewire. Pinchuk does not suggest modifying the

balloons 42 and 80 of Jung to have proximal and distal openings. Therefore, the combination of Jang and Pinchuk does not suggest the claimed invention.

The Examiner combined Pinchuk with Jang to substitute the hollow guidewire of Pinchuk for the guidewire of Jang to provide a third elongate tubular body. The claims under examination require a third elongate body that has a proximal end having a proximal opening, a distal end having a distal opening, and a lumen extending between the proximal opening and the distal opening. Pinchuk does not teach or suggest such a structure. The hollow guidewire of Pinchuk does not teach or suggest a distal opening. For this reason, the combination of Jung and Pinchuk does not suggest the subject matter of the claims under examination.

As noted above, the Examiner combined Pinchuk with Jang to substitute the hollow guidewire of Pinchuk for the guidewire of Jang to provide a third elongate tubular body. This reasoning does not apply at all to claims 42, 45, and 72, which include a guidewire and a third elongate tubular body. The guidewire of Pinchuk cannot be substituted for the guidewire of Jang in a rejection of claims 42, 45, and 72 because the combination of these two references cannot have the hollow guidewire be both the recited guide wire and the separate third elongate tubular body.

In addition, the Examiner has not provided any reasoning for the rejection of claims 43 and 48, which require an embolic protection device, or the rejection of claim 47, which requires that an interventional medical device is advanced through the lumens of the first and second elongate tubular bodies to the target sites. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for

Amendment and Response
Applicant: Thomas L. Clubb
Serial No.: 10/724,816

Attorney Docket: EV31030US

an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: June 27, 2007

By



Customer No. 009561

Terry L. Wiles (29,989)

Patrick J. O'Connell (33,984)

Popovich, Wiles & O'Connell, P.A.

650 Third Avenue South, Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicant